
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Clifton W. Gillespie.

DIGEST

Present law provides a general exemption from the public records laws for records ordinarily kept in the custody or control of the governor in the usual course of the duties and business of his office, or to those having been used, being in use, or prepared, possessed, or retained for use by or on behalf of the governor in the usual course of the duties and business of his office. Specifies that the exemption does not apply to agencies transferred or placed within the office of the governor and provides that the exemption shall not prevent any person otherwise authorized from examining and copying any books, records, papers, accounts, or other documents pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor.

Proposed law provides instead that the records of the office of the governor are public records and subject to the laws relative to public records.

Proposed law provides that until noon on Jan. 9, 2012, certain records of the executive office of the governor, relative to economic development negotiations, the records of which have been made confidential by the Dept. of Economic Development pursuant to present law shall be confidential. Defines "executive office of the governor" as the governor, his chief of staff, and his executive counsel. Specifies that the exemption shall not prevent any person from inspecting, examining, or obtaining a reproduction of any record pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor or the office of the governor in accordance with public records laws.

Proposed law removes certain unnecessary references to the present law gubernatorial public records exemption relative to the Governor's Office of Homeland Security and Emergency Preparedness and certain local ethics entities and inspector general offices but maintains present law confidentiality of certain advisory opinions by the commissioner of conservation to the governor regarding potential hydrocarbon bearing areas under the federal and state boundary offshore which the governor has reason to believe may be appropriate for unit operations and changes the reference to the public records law exemption.

Present law provides penalties for violations of the public records laws and provides that a person who has custody or control of a public record who violates the laws relative to public records, or a person not having such custody or control who by any conspiracy, understanding, or cooperation with any other person hinders or attempts to hinder the inspection of any public record subject to inspection, shall upon first conviction be fined not less than \$100 and not more than \$1,000, or shall be imprisoned for not less than one month nor more than six months. Provides that upon a subsequent conviction, he shall be fined not less than \$250 and not more than \$2,000, or imprisoned for not less than two months nor more than six months, or both.

Effective upon signature of governor or lapse of time for gubernatorial action, except the repeal of the exemption is effective at noon on January 9, 2012.

(Amends R.S. 29:725.2(B), R.S. 30:10.1(B)(3), R.S. 33:9614(C), and R.S. 44:5; Repeals R.S. 44:5(B))